

# CHAPTER 6 EMERGENCY GOVERNMENT ADMINISTRATION

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**6-01. Purpose.** 1. PURPOSE. By reason of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attacks, sabotage or other hostile action, or from fire, flood, earthquake or other natural causes, and in order to insure that preparations of this city will be adequate to deal with such disasters; to provide for the common defense; and to protect the lives and property and to preserve the peace, health, safety, and general welfare, it is declared to be necessary:

a. To create the Milwaukee city emergency government administration.

b. To confer upon the mayor and upon other officers of the city certain extraordinary powers in a period of extreme emergency.

c. To provide for cooperation or mutual aid with other political subdivisions, private agencies or individuals relative to emergency government activities.

**2. POLICY.** It is further declared to be the purpose of this chapter and the policy of the city that organization, training and planning for emergency government are the continuing responsibility of each department, branch or office of city government. Emergency government planning and preparation shall follow insofar as possible the normal lines of governmental administration. Such planning and preparation shall provide for the maximum use of volunteer organizations and volunteer efforts on the part of all residents of the city. Every individual family in the city is declared to have its own responsibility to prepare for and make what provisions it can for its own safety and welfare during a period of extreme emergency.

**3. EXECUTIVE POWERS, ETC.** It is further declared to be the purpose of this chapter and the policy of the city to permit the temporary suspension by executive proclamation of the requirements of any city ordinances or resolutions during a period of extreme emergency which the mayor, as director of the administration, deems necessary to allow immediate response to meet the exigencies and needs of the extraordinary conditions existing and to grant to the mayor, as the director of the Milwaukee city emergency government administration, during such period broad executive powers to discharge the responsibility and duties placed on him by statute and the provisions of this ordinance.

(Section 6-01 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

**6-02. Definitions.** The following words have the designated meanings in this chapter unless a different meaning is expressly provided or the context clearly manifests that a different meaning is intended:

**1. ADMINISTRATION** means the Milwaukee city emergency government administration.

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2. COORDINATOR means the coordinator of the Milwaukee city emergency government administration.

3. DIRECTOR means the director of the Milwaukee city emergency government administration who shall be the mayor of the city of Milwaukee.

4. EMERGENCY GOVERNMENT PLANNING includes civil defense and shall mean the preparation, planning and training for a period of extreme emergency, other than those functions or operations which are the primary responsibility of the military; to plan for the continuity and perpetuation of civil government under major disaster conditions; to minimize loss of life or property; to preserve health; and to repair injury and damage resulting from disaster caused by enemy attack, sabotage or other hostile action, or by fire, flood, earthquake or other natural causes.

5. ENEMY ATTACK means an actual attack by a foreign nation by hostile air raids, missile or other means inflicting or threatening damage to any area of the United States.

6. EXTREME EMERGENCY shall mean either:

a. The imminence or existence of a major disaster or catastrophe resulting from enemy attack, sabotage, or other hostile action or by fire, flood, earthquake, or other natural causes which are clearly beyond the control of normal government services, personnel, equipment and facilities; or

b. When a state of emergency has been proclaimed by the governor of the state or the director by official proclamation.

c. The Milwaukee city emergency government administration shall not be employed to interfere with the orderly process of a labor dispute.

7. GOVERNOR means the governor of the state of Wisconsin or anyone legally administering the office of governor.

8. PERIOD OF EXTREME EMERGENCY means the interim of time between the imminence of or the beginning of an enemy attack, or the issuance of the proclamation declaring an emergency by either the governor or the director and a terminating proclamation issued by either the governor or the director declaring the period of extreme emergency to be at an end, or when the common council so declares by resolution.

(Section 6-02 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

**6-03. Organization.** 1. CREATED. To carry out the policies and purposes of this chapter, there is created the Milwaukee city emergency government administration under the executive direction and control of the mayor. The director and its executive head shall be the mayor.

2. COORDINATOR. A coordinator, subject to the supervision and orders of the director, shall:

a. Have administrative control of the administration.

b. Be responsible for coordinating, planning and training in preparation for a period of extreme emergency.

c. In all functions, authority and other respects be and serve subject to the orders and supervision of the mayor.

3. ORGANIZATION. In addition to the director and the coordinator, the administration shall be composed of:

a. A service chief for police protection who shall be the incumbent chief of the Milwaukee police department.

b. A service chief for fire protection who shall be the incumbent chief engineer of the Milwaukee fire department.

c. A service chief for health and radiological defense who shall be the commissioner of health of the Milwaukee health department.

d. A service chief for public works who shall be the commissioner of the department of public works.

e. A service chief for economic stabilization who shall be appointed by the mayor and confirmed by the common council. He shall hold office for a term of 2 years, such term to extend from June 1 to May 31 of the 2nd year following. He shall serve in such capacity without compensation.

f. A service chief for communications who shall be the incumbent superintendent of communications of the Milwaukee police department.

g. A service chief for personnel who shall be the director of employee relations.

(Section 6-03 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

6-03-2 am. Ch. Ord. 536, File #83-2538, May 15, 1984.

6-03-2 rc. File #880330, Feb. 14, 1989; eff. May 5, 1989.)

6-03-3-g am. File #881394, Dec. 20, 1988; eff. March 13, 1989.

**6-04. Powers of the Mayor.** 1. TO ACT AS DIRECTOR. The director shall have executive direction and control of the administration and shall be responsible for the carrying out of provisions of this chapter and ch. 166, Wis. Stats., as amended. During a period of extreme emergency he shall immediately assume command and direct control over all emergency government operations and functions within the city. In the event of his death, disability, or other inability to act, the line of succession shall be as prescribed by the city charter.

2. COOPERATE WITH OTHER AGENCIES. The director is authorized to cooperate with other political subdivisions, other states, the federal government, and with private agencies in all emergency government matters pertaining to the city, state and nation.

3. TO DELEGATE AUTHORITY, ETC. The director is further authorized and empowered to:

a. Make, amend, and rescind orders, rules, regulations and emergency government plans within the limits of the authority conferred upon him herein, consistent with emergency government statutes and plans of the state of Wisconsin and the federal government.

b. The director shall comply, so far as such compliance is practicable and consistent with the emergency government requirements of the city, with program guides of the emergency government agencies of the federal government and the state of Wisconsin; he shall prepare or cause to be prepared reports of emergency government preparations; programs or progress which are required for eligibility or participation in financial or other assistance made available by or through the federal government or the state of Wisconsin.

c. On behalf of the city to enter into either shelter licenses or other similar arrangements with other political subdivisions, or governmental or private agencies, or

individuals. However, no expenditures of public funds or any obligation of such funds shall be made without prior approval of the common council.

d. To delegate administrative and contracting authority vested in him under this chapter, and to authorize the subdelegation of such authority.

e. To declare by proclamation a state of extreme emergency and the termination thereof unless the common council by resolution shall sooner declare the termination of the state of emergency. When such proclamation is issued the governor shall be immediately notified of its contents.

4. TO PROTECT SAFETY, ETC. The director shall have the power during a period of extreme emergency:

a. To take such action as he deems necessary to preserve or protect the lives, health and safety of persons and property and to provide emergency assistance to any victims during such period. The director shall not be required to comply with the procedures and formalities prescribed by any other ordinance or resolution of the city pertaining to the performance of public work, the issuance of temporary permits, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, or the requisition or purchase of supplies and materials. Such power or authority shall, however, not exceed the amount appropriated by the common council, and set aside and remaining in an emergency government fund. In no event shall the liability of the city under any circumstances exceed the fair and reasonable value of the services, supplies, equipment or materials furnished by virtue of the exercise of such power or authority.

b. The director shall have the power after a proclamation of extreme emergency, and until the state of such emergency is terminated, to commandeer materials, services and property in the public interest and safety.

c. If the common council is not in session when an emergency is proclaimed, the director, in his capacity as mayor, shall immediately notify the president of the common council to convene the council if time and existing conditions permit.

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d. During a period of extreme emergency, if any city officer or the coordinator is killed, missing, seriously injured, disabled or otherwise unable to perform his duties, the director, acting as mayor, shall have the power to appoint another qualified person to fill such office or position. The duration of such appointment shall not extend beyond the period of the extreme emergency.

(Section 6-04 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

**6-05. Coordinator.** 1. The emergency government coordinator, under the director, shall coordinate the planning and training of all city departments and bureaus and all emergency government and volunteer civic organizations within the city. He shall maintain liaison with and cooperate with emergency government agencies and organizations of other political subdivisions within the state of Wisconsin, other states and the federal government, and he shall have such additional administrative authority, duties and responsibilities as are delegated to him by the director or as may from time to time be granted to him by resolution of the common council. The coordinator shall not exercise command authority over any service chief of the administration or over any officer or employee in charge of any other city department or bureau.

2. The coordinator may employ technical, clerical, stenographic and other personnel as the needs of the administration require subject to the prior approval of the common council. Such personnel shall be selected or appointed according to existing ordinances and the procedures and rules of the city service commission or as otherwise provided by the common council.

3. The coordinator and other personnel of the administration shall be provided with necessary office space, furniture and office equipment, supplies, stationery and printing and such other needs as the common council by resolution shall direct or provide.

4. The coordinator shall prepare or cause to be prepared and maintain a comprehensive and current plan and program for the emergency government of the city and its inhabitants; such plan and program shall be coordinated with the official emergency government plans of the federal government, the state of Wisconsin and the county of Milwaukee.

5. The coordinator shall, with the director's approval, and in accordance with the city's emergency government plan and program procure, or cause to be procured, supplies and equipment; take and cause to be taken all other preparations for any future partial or full mobilization of emergency government organizations in advance of actual war, attack or disaster, to assure the availability of adequately trained and equipped forces of necessary emergency government personnel in a period of extreme emergency.

6. The coordinator may recommend to the director appointments for emergency government assignments of city officers or employees as may be necessary for an efficient emergency government organization in addition to those expressly provided for herein.

7. The coordinator shall make, or cause to be made with the director's approval, studies and surveys of industries, resources, services and facilities in this city and surrounding political subdivisions as may be necessary to ascertain the capabilities of the city relative to emergency government operations and to plan for use thereof.

8. The coordinator shall establish and maintain a public information program to inform the public of protective measures planned or to be taken by their government during a period of extreme emergency. It shall be the responsibility of the coordinator to inform the public to the maximum extent possible of the necessity of self-help and protection and keep the public informed of the availability of self-help and protection materials and publications.

9. The coordinator may, with the prior approval of the director, authorize expenditures within the budgeted funds established or provided by either the common council or the state or federal government or other agencies, in carrying out the provisions of this ordinance. Expenditures of such budgeted city funds shall be in accordance with ch. 65, Wis. Stats.

10. The coordinator shall establish and maintain a register of persons who volunteer their services to the administration and shall prepare, plan and provide a program of training for such volunteers consistent with the requirements of the separate emergency government service divisions established under this chapter as determined by the service chief of each such division.

(Section 6-05 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

**6-06. Duties of Service Chiefs. 1. POLICE PROTECTION.** The police protection service division shall consist of the city of Milwaukee police department, its auxiliaries and such other emergency government personnel as may be assigned and shall be under the direction and control of the service chief for police protection; the service chief for police protection or his designee shall be responsible for the following:

a. Prepare and maintain a plan to protect life and property; to cause the public peace to be preserved; to enforce the laws and ordinances of the state and city; direct or aid in movement to fallout shelters or other places or areas of safety.

b. Training required for the employment and use of division personnel and equipment.

c. Develop and maintain a radiological defense capability in conjunction with the department of public health.

d. Plan for utilization of all available communication facilities for the execution of emergency government plans and operations.

e. Assist the coordinator in development of emergency government plans to insure the continuity of normal governmental operations during a period of extreme emergency.

f. Advise the administration in writing the name of the person assigned the responsibilities for the above.

**2. FIRE PROTECTION.** The fire protection service division shall consist of the Milwaukee fire department and such other emergency government personnel as may be assigned and shall be under the direction and control of the service chief for fire protection. The service chief for fire protection or his designee shall be responsible for the following:

a. Prepare and maintain plans for fire protection and rescue of survivors.

b. Training required for the employment and use of division personnel and equipment.

c. Develop and maintain a radiological defense capability in conjunction with the department of public health.

d. Provide necessary training equipment and train rescue squads or teams.

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e. Plan for utilization of all available communication facilities for the execution of emergency government plans and operations.

f. Assist the coordinator in development of plans to assure the continuity of normal government operations during a period of extreme emergency.

g. Advise the administration in writing the name of the person assigned the responsibilities for the above.

**3. PUBLIC WORKS DIVISION.** The public works division shall consist of the department of public works of the city of Milwaukee and such other emergency government personnel as may be assigned and shall be under the direction and control of the service chief for the public works. The service chief for public works or his designee shall be responsible for the following:

a. Prepare and maintain plans to cover disaster contingencies to assure and maintain efficient operation.

b. Repair and restore city-owned utility services and direct or assist private utilities in the repair and restoration of their services.

c. Be responsible for removing debris, clearing streets, garbage collection and waste disposal, repair bridges, sewers and roads.

d. Direct the operations of division crews and equipment; maintain a current record of privately owned engineering and construction equipment for possible use, if required; the keeping of a list of qualified personnel, both volunteer and contract, not members of its regular division crews, who will be available in a period of extreme emergency.

e. Develop and maintain a radiological defense capability in conjunction with the department of public health.

f. Develop and maintain within the department of public works an emergency transportation section which shall be responsible for the processing of and coordination of transportation and vehicle requests from all city departments for transportation.

g. Plan for utilization of all available communication facilities for the execution of emergency government plans and operations.

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h. Advise the administration in writing the name of the person assigned the responsibilities for the above.

4. PUBLIC HEALTH. The public health and radiological defense division shall consist of the department of public health of the city of Milwaukee and such other emergency government personnel as may be assigned, and shall be under the direction and control of the service chief of public health and radiological defense. The service chief of public health and radiological defense or its designee shall be responsible for the following:

a. Prepare and maintain plans for a period of extreme emergency so that the department will continue to operate effectively during such period.

b. Plan for cooperation and coordination with Milwaukee county for health, medical, surgical and hospital services, emergency feeding, identification and billeting.

c. Develop and maintain a radiological defense capability for a period of extreme emergency and to provide for radiological plotting, intelligence and forecast and serve as a clearinghouse for all radiological information.

d. Plan for utilization of all available communication facilities for the execution of emergency government plans and operations.

e. Advise and furnish instruction to other emergency government divisions on all matters pertaining to radiological defense.

f. Advise the administration in writing the name of the person assigned the responsibilities for the above.

5. ECONOMIC STABILIZATION. The service chief for economic stabilization shall have the duties set forth under current federal emergency government plans or regulations, ch. 166, Wis. Stats., as amended, and the Wisconsin state plan, and as provided by resolution of the common council.

6. COMMUNICATIONS. The service chief for communications or his designee shall be responsible for the following:

a. Prepare plans for and in conjunction with the state and county emergency government directors and maintain adequate communications for all city departments in a period of extreme emergency.

b. Prepare plans for and supervise the installation of communication facilities within the city's emergency operating centers

and such other locations and mobile equipment as are encompassed in the communications plan.

c. Maintain all city emergency government communications equipment.

d. During a period of extreme emergency, supervise, coordinate and control all communications and warning emanating from the city emergency operating centers.

e. Plan for utilization of all available communication facilities for the execution of emergency government plans and operations.

f. Advise the administration in writing the name of the person assigned the responsibilities for the above.

7. MANPOWER SERVICE. The service chief for manpower or his designee shall be responsible for the following:

a. Prepare and maintain plans for a period of extreme emergency so that all city departments will have adequate manpower for emergency government needs in such period.

b. Assist the coordinator in the development of an emergency government training program for city employees.

c. Obtain the services of individuals outside of city employment, upon the request of the coordinator, to conduct emergency government training. Such individuals shall be certified as qualified instructors by the state division of emergency government, and shall be paid from funds available in the administration budget, subject to reimbursement as determined by the state division of emergency government. Compensation of such individuals shall be prescribed by the common council.

d. During a period of extreme emergency, coordinate requests for additional manpower from all city departments and procure same in accordance with existing approved plans.

e. Plan for utilization of all city employees and emergency government personnel for the execution of emergency government plans and operations.

f. Advise the administration in writing the name of the person assigned the responsibilities for the above.

(Section 6-06 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.

6-06-3-f am. File #951009, Dec. 19, 1995; eff. Mar. 13, 1996.)

**6-08. Utilization of Existing Services and Facilities.** 1. In carrying out the provisions of this chapter, the administration shall utilize the services, equipment, supplies and facilities of existing departments, bureaus, offices, commissions, committees, authorities and agencies of the city to the maximum extent practicable. The officers, agents, employees and personnel of all such departments, bureaus, offices, commissions, committees, authorities and agencies of the city shall cooperate with the administration.

2. It shall be a condition of employment by the city that every city employee, present and future, receive training in and assignment to an emergency government position, consistent with the education, training, experience and the job classification or position occupied by the employee. The director or coordinator may exempt employees from this requirement.

*(Section 6-08 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-09. Funding.** 1. **EMERGENCY FUNDS.** The common council shall appropriate from time to time such money as it deems necessary for the carrying out of the purposes of this chapter, such money to be deposited in a special account to be known as the "emergency government fund." Such money, except as otherwise specifically provided shall be disbursed in the manner prescribed for the disbursement of public funds, excepting in case of a period of extreme emergency, in which event the director may disburse such appropriated funds within his discretion for emergency government purposes without the signature or countersignature of any other city officer or compliance with any other ordinance.

2. **SUPPLIES.** Whenever the federal government or the state of Wisconsin or any agency or officer thereof, or any person, firm or corporation, shall offer to the city or to the administration services, equipment, supplies, materials, aids, expenses, assistance or funds by way of gift, grant, contribution or loan or otherwise for the purposes of emergency government, the director, on behalf of the city, may accept such offer, and upon such acceptance, the director may authorize any officer of the city, or the coordinator to receive the same, subject to the terms of the offer and the rules and regulations, if any, of the officer

or agency making the offer. Such acceptance or receipt, however, shall not create or cause any liability on the part of the city, the administration, or any officer, agent or employee thereof or of the city for failure to comply with the terms of such offer and the rules and regulations, if any, of the offerer or agency making the offer. All funds or moneys so received shall be disbursed in the manner prescribed for the disbursement of public funds.

3. **PROGRAM GRANTS.** Whenever the federal government or the state of Wisconsin or any agency or officer thereof, requires periodic program planning or progress reports, as provided by law, as a condition or requirement of any emergency government aids, grants or assistance or offers thereof as enumerated in sub. 2, such reports shall be prepared by the director or the coordinator, subject to the approval of the director. Service chiefs shall prepare and furnish to the coordinator reports, on forms furnished by the coordinator. Such information and data shall be used by the coordinator to comply with state or federal conditions or requirements.

*(Section 6-09 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-10. Mutual Aid Arrangements.** The director may, subject to the approval of the common council, in collaboration with other public or private agencies within the continental United States, enter into mutual aid agreements or arrangements for reciprocal emergency government aid. Such agreements or arrangements shall be consistent with the currently existing state of Wisconsin statutes and the state of Wisconsin emergency government plan and the then currently existing plan and program of the federal government. In a period of extreme emergency it shall be the duty of the administration to render assistance in accordance with provisions of any mutual aid agreement or arrangement.

*(Section 6-10 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-11. Federal Surplus Property Program.** 1. The administration is authorized to participate in the federal program for donation of surplus property for emergency government purposes in accordance with public law 655, as amended, or other federal law or regulation and the federal surplus loan program

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known as the contribution project loan program. The administration is also authorized to make a purchase or a loan having an original acquisition value of less than \$2,500 in accordance with the procedure specified in sub. 2; purchases or loans exceeding this amount are to be previously authorized by the common council finance and personnel committee.

2. The director is authorized to appoint a city employee, with the concurrence of the employee's department head, as surplus property coordinator, who shall handle surplus property donation requests of all city departments, bureaus, boards, commissions, agencies or offices.

3. All costs to the city involved in the acquisition of donated surplus property, namely:

- a. Federal government charges.
- b. Crating, shipping, and other related costs.
- c. Authorized travel expenses; shall be charged to a special fund established for such purposes.

4. All requests for such property and all payments from such fund shall be approved by the surplus property coordinator and either the director or the coordinator.

5. Each year's budget shall provide an appropriation for the operation of the surplus property and surplus loan program.

*(Section 6-11 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975. 6-11-1 and 5 am. Ch. Ord. 472, File #78-1358, Feb. 27, 1979.)*

**6-12. Use of Insignia.** No person shall possess, use, wear, carry or display any civil defense or emergency government insignia unless authorized so to do by the administration. A civil defense or emergency government insignia is any insignia, within the definition of the word "insignia" contained in the latest Merriam Edition of the Webster Dictionary, adopted by the administration as its insignia. Any person violating the provision of this section shall be subject to the penalty prescribed in s. 6-17.

*(Section 6-12 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-13. Personnel.** 1. Emergency government activities shall be deemed and constitute a government function.

2. Duly registered volunteer members of the administration shall be deemed employees of the city when actually performing assigned tasks during a period of extreme emergency and while in the actual performance of regularly scheduled training exercises and shall be eligible for workmen's compensation benefits. Volunteer members of the Milwaukee city emergency government administration shall receive no pay, expense allowance or other remuneration except as provided by the common council.

3. Members of the emergency government organization shall be indemnified by the city against liability to 3rd persons arising out of and while actually engaged in regularly scheduled emergency government activity and when acting in good faith in the performance of their assigned duties during a period of extreme emergency or a regularly scheduled training exercise.

4. No person shall be employed, be a member of, or associated in any civil defense and disaster organization, or activity established or authorized under this chapter who advocates, or has advocated, a change by force or violence in the constitutional form of the government of the United States, known herein as the federal government, or of this state, or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment of information charging any subversive act within the United States.

*(Section 6-13 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-14. Political Activity Prohibited.** No emergency government committee or organization established under the authority of this chapter shall participate in any political activity, nor shall it participate or be employed, directly or indirectly, for political purposes.

*(Section 6-14 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*



**6-15. Emergency Government Expenses.** Except as expressly provided for in this chapter, no person shall expend any funds of the city in carrying out any emergency government activity authorized herein without prior approval by the common council, nor shall any person have any right to bind the city by contract, agreement or otherwise without prior approval of the common council.

*(Section 6-15 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-16. Enforcement.** It shall be the duty of every emergency government organization and committee established pursuant to this chapter, and the coordinator, service chiefs, officers, agents, employees and all other city and emergency government personnel to execute, enforce and obey such lawful orders, rules and regulations as may be issued by the director during a period of extreme emergency.

*(Section 6-16 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-17. Penalty.** Any person, who willfully refuses to comply with any lawful order of the director during a period of extreme emergency, shall upon conviction by a court of record forfeit a sum not exceeding \$200, and in default of payment thereof be imprisoned not exceeding 90 days.

*(Section 6-17 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-18. Prior Rights and Obligations Preserved.** This ordinance shall not invalidate any act done, obligation or contract made or incurred by the city of Milwaukee or in its behalf by any officer or duly authorized emergency government organization, committee or agency pursuant to the authorization of any ordinance or resolution heretofore existing, nor shall this ordinance divest the city of Milwaukee, any committee, agency, or officer thereof of any rights of property, contracts or any other rights or of any liability or obligation which may have been created or accrued prior to the passage of this ordinance.

*(Section 6-18 am Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)*

**6-19. Vacancies.** 1. TEMPORARY VACANCIES. If during the period of emergency, any officer (except the mayor or an alderman) or employee fails to or be unable to report to his assigned duties and location, his position shall thereupon be deemed temporarily vacant;

where there is no succession provided by law, the mayor or his successor may designate another city officer or employee to act in his stead with all the powers, responsibilities and duties of the office or position but without change in classification or salary. The mayor or his successor shall authorize department heads to make such temporary appointments to positions within their departments. In those cases where a deputy is provided by law, he shall immediately succeed to any temporary vacancy upon the same terms; provided that where neither the officer nor the deputy are present, the mayor shall make a temporary appointment of another city officer or employee to the vacancy. Immediately upon the return of the permanent officer or employee, he shall resume his duties and the temporary appointee shall return to his regular position.

2. PERMANENT VACANCIES. If during the period of emergency any officer or employee shall be known to be dead or shall fail to report to his assigned duties and location for 60 days, in the absence of factual knowledge to the contrary, he shall be presumed to be dead or to have forfeited his position which shall thereupon be deemed permanently vacant. Public notice of such vacancy shall be given by the best means then available and if the office or position shall not be claimed by notice in writing to the mayor within 10 days thereafter, the vacancy may be filled. Vacancies in positions subject to civil service commission or fire and police commission law shall be filled as provided therein. Vacancies in the office of the city comptroller, city treasurer and city attorney shall, except where the deputy shall have succeeded to office by law, until the next municipal election be filled by appointment by the mayor subject to confirmation by the common council. Vacancies in the office of the mayor shall be filled by an acting mayor succeeding to office as prescribed in s. 6-20. Vacancies in the office of alderman shall be filled as prescribed in s. 6-21. Vacancies in appointive positions shall be filled as prescribed by law. *(Cr. Ch. Ord. 211, File #55-960, July 26, 1955.)*

**6-20. Vacancies in the Office of Mayor.** During the period of emergency the position of mayor shall be deemed temporarily vacant if he shall either fail to or be unable to perform his assigned duties. Vacancies in the office of mayor shall automatically be filled during the

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period of the emergency until the elected mayor shall resume his duties, by a direct line of succession by those persons elected or appointed to the following offices prior to the emergency in the order hereinafter set forth; provided that if any such person lower on the list of succession shall have assumed the office and any such person higher on the list of succession shall become available to serve, the office shall be relinquished in such case to the person higher on the list.

1. The president of the common council.

2. Chairman of the committee on finance and personnel.

3. The chairmen of the remaining standing committees of the common council in the order of their seniority, that is, the length of service in the office of alderman; and in the event such time of service be equal, then as to such chairmen, in the alphabetical order of their surnames.

4. The remaining aldermen in the order of their seniority, that is, the length of service in the office of alderman, and in the event such time of service be equal, then as to such aldermen, in the alphabetical order of their surnames.

5. The city comptroller.

6. The city treasurer.

7. The city attorney.

8. The deputy city comptroller.

9. The deputy city treasurer.

10. The deputy city attorney.

11. The commissioner of public works.

12. The commissioner of health.

13. The city engineer.

14. The commissioner of assessments.

15. The commissioner of building inspection.

16. The director of administration.

17. The remaining division directors of the department of public works in alphabetical order of their surnames.

(HISTORY: Section 6-20 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.

6-20-16 rc. File #881394, Dec. 20, 1988; eff. Mar. 13, 1989.

6-20-17 am. File #951009, Dec. 19, 1995; eff. Mar. 13, 1996.

6-20-14 am. File #951345, Jan. 23, 1996; eff. Apr. 9, 1996.)

## 6-21. Vacancies in the Office of Aldermen.

Temporary vacancies in the office of alderman shall remain vacant. Permanent vacancies, subject to filling as provided in s. 6-19-2, shall be filled until the next municipal election by appointment by the common council by a vote of not less than 3/4 of the remaining elected aldermen. (Cr. Ch. Ord. 211, File #55-960, July 26, 1955.)

## 6-22. Alternate Site of Government. 1. SITE

DESIGNATED BY MAYOR. The mayor, with the approval of the common council, shall designate as soon as feasible after the enactment of this ordinance a place which would become the site of the city government upon the existence of an emergency as defined in s. 6-02. The mayor shall give public notice of such place and any change thereof by publication of the location thereof at least once every 6 months in not less than 2 newspapers of common public circulation in the city. He shall advise each city officer and department head of such location at the same time. Notwithstanding any provision of law to the contrary, during the existence of the emergency any or all city business whatsoever may be transacted outside the city limits at the place so designated, or after due notice to those concerned, at any alternate place.

2. DEPARTMENT HEADS NOTIFIED. With the approval of the mayor, department heads shall from time to time designate specific places for their subordinates and employes to report upon the commencement of an emergency as defined in s. 6-02, if it is desirable for such persons to report to a place other than that designated by the mayor as the temporary site of government.

3. TO REPORT IN EMERGENCY. It shall be the duty of every city officer and employe to report in person to the place required by subs. 1 or 2 within 48 hours after the beginning of an emergency as defined in s. 6-02. Unless the mayor shall designate otherwise, each department and bureau head shall report to the alternate site of government. Each department or bureau head shall designate at least 2 alternates to report in a like manner. (HISTORY: Section 6-22 am. Ch. Ord. 426, File #75-1310, Oct. 21, 1975.)

**6-23. Residence Requirements Suspended.**

Notwithstanding any provisions of law to the contrary, during the period of emergency any city officer or employe may establish his domicile wherever practical without prejudice to his status; provided that upon termination of the emergency all city officers and employes shall forthwith re-establish their domiciles within the city unless the time therefor shall be extended for a reasonable time by the city service commission and/or the fire and police commission upon a finding of hardship. (*Cr. Ch. Ord. 211, File #55-960, July 26, 1955.*)

## **6--Emergency Government Administration**

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